

AGENCY ESTIMATE

OF THE FISCAL IMPACT OF IMPLEMENTING

HB 421 S1 2011 General Session

Use of Public Buildings For Political Caucus Meetings

Sponsor: Representative Derek E. Brown

Agency Contact: Jenefer Youngfield 2 Mar 2011

Agency Utah State Office of Education

Lead Analyst: Ben Leishman

Title: School Construction Specialist

Office: 801-538-7669 Cell: 801-513-6682

A. Short Form (For bills that have no impact on the state, local governments, businesses, or individuals.)

If you can check all five boxes to the right, you're almost done. If the bill obviously doesn't have an impact, you're done.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | State agencies will not require an appropriation to implement the bill. |
| <input checked="" type="checkbox"/> | There is no fiscal impact on local governments. |
| <input type="checkbox"/> | There is no fiscal impact on businesses. |
| <input type="checkbox"/> | There is no fiscal impact on individuals. |
| <input type="checkbox"/> | The bill will not affect revenues. |

If it isn't so obvious, explain what's going on. The most usual explanation is the codification of existing practices.

Attachments welcome.

If necessary, explain why this bill has no fiscal impact.

This bill requires the legislative body of a county, municipality, or school district to make **all meeting facilities** under its control available to registered political parties without ... *Continued on second tab.*

B. What parts of the bill cause fiscal impact?

Cite specific sections or line numbers.

Lines 45 thru 47, in which a public facility may only charge a registered political party no more than the actual cost of custodial services for cleaning the facility after the meeting and any... *Continued on second tab.*

C. Which program gets the appropriation?

Enter 3 letter Appropriation Unit Code.

For multiple appropriations

This is of

D. Work Notes: Assumptions, calculations & what are we buying?

Explain the fiscal impact in plain English, detailing your assumptions, methods, & calculations.

List all direct costs. Identify one-time and ongoing costs. Detail FTE impacts.

Do not say, "\$50,000 in Current Expense." Be very specific about what this \$50,000 will buy.

Attachments encouraged.

The bill language restricts charging for the use of facilities to only custodial costs for cleaning the facility **after** the meeting **and any service requested by the political party** and provided by the facility. This is contradictory to Utah Code 53A-3-414 which states the local school boards "...may charge a reasonable fee for the use of school facilities as a civic center so that the district incurs no expense for that use." It also contradicts Utah Code 53-13-105 which states school districts and charter schools may "...hire a special functions officer to have charge of the grounds and protect school property when used for civic center purposes" who would be a "sworn and certified ... *Continued on second tab.*

E. REVENUES

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Total	0	0	0

F. COSTS by FUND

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Total	0	0	0

G. COSTS by EXPENDITURE CATEGORY.

Expenses by Category	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Personal Services			
Travel			
Current Expense			
DP Current Expense			
DP Capital Outlay			
Capital Outlay			
Other/Pass Thru			
Total	0	0	0

H. Non-State Impacts

Your estimate of how will the bill affect:

Local Governments

Local school districts and charter schools may not be able to recoup the entire cost of political meetings at their facilities as the bill language only allows the political parties to be charged actual cost of **custodial...** *Continued on second tab.*

Businesses

Businesses, who formerly may have provided space for parties to hold political meetings, may see reduced revenues if parties choose to meet in county, municipality, or school district facilities instead of businesses.

Individuals

Political parties would be able to hold their political meetings at school facilities upon request 30 days prior to meetings if the building is not already scheduled. Parties may find using public facilities less costly... *Continued on second tab.*

2010 Version 11.09

This is a draft fiscal note response from the Utah State Office of Education (USOE) and may be revised in the future.

Attachments welcome.

AGENCY ESTIMATE
OF THE FISCAL IMPACT OF IMPLEMENTING

HB 421 S1 2011 General Session *continued* ...

Use of Public Buildings For Political Caucus Meetings

Sponsor: Representative Derek E. Brown

Agency Contact: Jenefer Youngfield

Agency: Utah State Office of Education

Lead Analyst: Ben Leishman

Title: School Construction Specialist

Office: 801-538-7669 Cell: 801-520-6859

A. Short Form - continued from first tab...

discrimination, to be used for political conventions and activities if: the party requests use of the facility at least 30 calendar days before the day on which the proposed meeting will take place; and if the building is not already scheduled for another purpose at the time of the proposed meeting. The bill allows for a legislative body to establish terms and conditions for use of a facility, but also imposes restrictions to the terms and conditions by limiting the legislative body to only charge a registered political party not more than the actual cost of custodial services for cleaning and any service requested by the political party and provided by the facility. The bill also requires that scheduling of an event be avoided, to the extent possible, for the same evening as an announced party caucus meeting.

B. What parts of the bill cause fiscal impact continued from first tab...

service requested by the political party and provided by the facility, illustrate language that may have fiscal impact.

C. Which program gets the appropriation continued from first tab...

D. Work Notes: continued from Tab 1 continued from first tab...

peace officer performing specialized investigations, service of legal process, security functions, or specialized ordinance, rule, or regulatory functions." The restriction in this bill to only allow legislative bodies the ability to charge certain costs which may not have been requested by the political party does not take into consideration a variety of additional other costs such as: facility staff involvement in coordinating spaces and schedules, notification to others of space usage, utility costs, equipment rental costs, supervisory costs, security costs, insurance costs, grounds charges, site - sanitation costs, extra-ordinary custodial costs for cleaning during the meeting related directly to the registered political parties' use of the facility, any cost of vehicle damage to the site, personnel cost for audio visual and computer set-up and/or support, other maintenance after-hour costs related to unforeseen problems such as lighting, heating or cooling problems, the cost of vandalism or burglary of facilities or equipment either caused by participants or related to participants or attendees providing access to unauthorized individuals, cost of other damages, etc. Much of this may be currently included and outlined by school districts and charter schools who have facility rental/use agreements in place and is not considered in this bill (for example, see attached 'Jordan School District - Facilities Use and Rental Guidelines - Feb 2011.pdf' and 'Jordan School District Facilities - Rental Fee Schedule - Feb 2011.pdf'). Language contained in many current rental/use agreements includes requirements for groups/individuals who rent or use facilities to obtain liability insurance, provide a 10% deposit to be retained to cover any damages, sign an agreement to hold the school district or charter school harmless, etc., which could not be required of political parties. Lines 42 thru 44 allow for rental/use agreements practice to continue, but adversely lines 45-48 restrict what may be required in the terms and conditions. If a charter school or school district does not have a rental/use agreement policy, the bill language may completely eliminate the option of recouping costs of damages, in scenarios similar to the following: school district "A" rents a facility to a local political party "A" for a political convention or other political activity without requiring proof of liability insurance because prior experience with political party "B" is that local party "B" is covered under national party "B" liability insurance. During the local party "A" political meeting, one of the participants falls and breaks an ankle. School district "A" then finds out local party "A" is not covered under national party "A" insurance and does not have liability coverage, which results in local school district

"A" being liable for a \$20,000 cost of the individuals broken ankle. Along with being in contradiction to Utah Code 53A-3-141, this bill may call into question the ability of a school district or charter school to continue to enforce policies of facility rental/use agreements and indicates parts of current policy could no longer be imposed on political parties. If this is the case, state statute and local school policy would need to be modified to reflect this change. In addition, school districts and charter schools would need to find other ways to cover facility use costs that aren't directly related to custodial services or agreed to by the political party using the facility. The bill language stipulation that only a notice of "30 calendar days in advance of the meeting" is required "if the building is not already scheduled to be in use" and does not take into consideration the potential disruption of regular school programs. This also appears to provide political parties a priority for use of facilities above the owner for their own facilities and intended use. There is not a definition provided for "all meeting facilities" in the bill, which leaves to interpretation how much of the facility would be required to be available for use and may be understood to include areas restricted relative to safety (i.e., mechanical and electrical spaces), areas restricted because of expensive equipment and/or technology needing special instruction and/or training to operate (i.e., technology labs, sound booths in auditoriums, etc.). The requirement that the political party request the facility at least 30 calendar days before proposed meeting date does not take into consideration school district and charter school policy restrictions of not having facilities available on Sundays and holidays. Language requiring legislative bodies to avoid, to the extent possible, scheduling an event for the same evening as an announced party caucus meeting, does not take into consideration that most school districts and charter schools have a large majority of their activities scheduled for the entire school year and may thus bring into question if political parties will be required to consider school schedules when scheduling political conventions and other political activities. Language is not included which would restrict political parties from: disrupting or negatively impacting student education, not being allowed to use facilities during student testing, not being allowed access of a facility when conditions may be unsafe for the public access, eliminating access while maintenance and/or construction projects area in process, and so on. Language does not specifically include charter schools which brings into question if charter schools would be required to adhere to language in the bill in a fashion similar as school districts.

E. REVENUES *continued from first tab...*

F. COSTS by FUND *continued from first tab...*

G. COSTS by EXPENDITURE CATEGORY *continued from first tab...*

H. Non-State Impacts *continued from first tab...*

services for cleaning the facility after the meeting **and any service requested by the political party** and doesn't include other actual costs. School districts and charter schools may have to modify policy language related to school rental/use agreements to reflect restrictions outlined in the bill. Legislative bodies would not have to make facilities available to parties if request for political meetings are made less than 30 days in advance.

and less restrictive than other options. Legislative bodies would only be allowed to charge actual cost of custodial services for use of facilities after party meetings and only for services requested by the political party as opposed to the actual costs. Individuals may see increased costs of using public facilities as legislative bodies attempt to make up for political meeting costs they would no longer be able to charge. Legislative bodies may find they have to allow their facilities to be used when it is not convenient and/or becomes disruptive to the intended use of facilities.